

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10688 OF 2022

Tukaram Bhaga Nikam

.. Petitioner

Versus

Sarpanch, Gram Panchayat,
Eklahe and others

.. Respondents

Mrs. Manisha Narwade, Advocate h/f Ms. Neeta V. Mirajkar,
Advocate for the Petitioner.

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 05TH JANUARY, 2023.**

FINAL ORDER :

. Heard learned counsel for the petitioner.

2. By order dated 22nd August, 2022, the application of the petitioner filed U/Sec. 33-C (2) of the Industrial Disputes Act, 1947 came to be rejected by the Labour Court, Ahmenagar.

3. It is the case of the petitioner that he was employed with the respondent Nos. 1 and 2 as a peon since the year 1999 on monthly basis. Petitioner claims to have worked on monthly basis till the year 2015 and has superannuated in the year 2015.

4. By Government Resolution dated 22nd March, 2005, the employees of the Gram Panchayat were held eligible to certain benefits such as minimum wages, house allowance, provident fund, gratuity, etc. Petitioner filed an application before the Labour Court seeking benefit under the said Government

Resolution and claimed arrears of difference in the minimum wages of Rs. 2,58,920/- and arrears of difference of house allowance to the extent of Rs. 1,18,836/-. Learned counsel for the petitioner submits that the petitioner is entitled to the said benefits as he had worked as a peon on monthly basis from the year 1999 till the year 2015. As regards amount claimed towards gratuity is concerned, the learned counsel for the petitioner relies upon the decision of this Court in the case of **Balvant Mohan Badve Vs. Ahmednagar Municipal Corporation** reported in **2016(3) Mh.L.J. 62**, wherein it has been held by this Court that any employee whether temporary or permanent would be entitled for gratuity after 30 days of severing employer-employee relationship subject to the satisfaction of Section 2A and Section 4 of the Payment of Gratuity Act.

5. The admitted position is that the petitioner was employed on a monthly basis and had not claimed permanency due to the continuous employment as alleged. The order of appointment is not placed on record and there is no document produced to show the nature of the appointment. The claim under Section 33 (c) (2) of Industrial Disputes Act is based on the Government Resolution dated 22nd March, 2005. There is no explanation forthcoming as to the delay in seeking benefit of the Government Resolution which was passed in the year 2005. Perusal of the Government Resolution dated 22nd March, 2005 shows that the same is applicable to the employees of the Gram Panchayat which means the employees who are on regular employment of Gram Panchayat and cannot be made applicable to the employees who are on the work charge basis or on contractual

basis or on monthly wages basis. As far as reliance placed by the learned counsel for the petitioner on the decision of this Court in the case of **Balvant Mohan Badve Vs. Ahmednagar Municipal Corporation** (supra) is concerned, the same is not applicable to the facts of the present case as the G. R. dated 22nd March, 2005 makes it applicable only to the Gram Panchayats in which there are ten or more employees and the findings of the Labour Court are that in the respondent No. 2 gram panchayat there are only five to six employees.

6. Considering the aforesaid, I am not inclined to interfere with the order passed by the Labour Court. The writ petition is devoid of merits. Same is accordingly dismissed. There shall be no order as to costs.

[SHARMILA U. DESHMUKH, J.]

bsb/Jan. 23